

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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PCT

WRITTEN OPINION
(PCT Rule 66)

Date of mailing (day/month/year)	04.05.2004
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Applicant's or agent's file reference
E-1778/03

REPLY DUE	within 3 month(s) from the above date of mailing
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International application No.
PCT/EP 03/50382

International filing date (day/month/year)
20.08.2003

Priority date (day/month/year)
29.08.2002

International Patent Classification (IPC) or both national classification and IPC
B65C9/40

Applicant
AZIONARIA COSTRUZIONI MACCHINE AUTOMATICHE...

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 29.12.2004

Name and mailing address of the international preliminary examining authority:



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I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-8 as originally filed

Claims, Numbers

1-16 as originally filed

Drawings, Sheets

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1,2,7-10,16
Inventive step (IS)	Claims	1-5,7-13,15,16
Industrial applicability (IA)	Claims	

2. Citations and explanations**see separate sheet**

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

V.2.1 Reference is made to the following documents:

D1: US-B1-6 419 782 (JOHNSON DAVID A ET AL) 16 July 2002

D2: US-B1-6 220 330 (O'BRIEN JR TERRENCE E) 24 April 2001

V.2.2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1,2,7-10 and 16 is not new in the sense of Article 33(2) PCT.

V.2.3 The document D1 discloses (the references in parentheses applying to this document):

V.2.3.1 A method of labelling a succession of containers (30; column 1, line 18), whereby each container (30) is fed along a labelling path (12) through a number of labelling stations (22), each for applying a respective label (36) to a container (30) travelling through the labelling station (22); the method having the steps of assigning a category of containers (30) to each labelling station (22; column 6, lines 18-20); identifying each container (30) to assign to the container one of a number of possible types before the container is fed along the labelling path (12; column 8, lines 1-6) and only activating each labelling station (22) to apply the label (36) to the container travelling through the labelling station (22) if the container (30) falls within the category of containers assigned to the labelling station (22; column 8, lines 11-17).

V.2.3.2 D1 also discloses the additional features of claim 2 (scanning station 20), claim 7 (column 8, lines 14-17), claim 8 (column 6, lines 18-20), claim 9 (equivalent to claim 1), claim 10 (equivalent to claim 2) and claim 16 (equivalent to claim 8).

V.2.4 D2 is in the same way novelty destroying for claims 1,2,9 and 10 at least.

V.2.5 Furthermore, the subject-matter of claims 3-5, 11-13 and 15 does not involve

an inventive step in the sense of Article 33(3) PCT, and therefore the criteria of Article 33(1) PCT are not met. The conveyor and the physical feature by which the containers are identified are obviously chosen depending on the container type, e.g. the skilled man would choose a conveyor belt for big carton boxes and a carousel for bottles, and would choose to identify the container on the basis of its size if the containers to be processed are audio tape boxes and video tape boxes.
